

## REMARKS

Claims 1-18 and 21 have been objected to as being drawn to an improper Markush group. As suggested by the Examiner, the claims have been amended to define X as -NH-, and G as -CH<sub>2</sub>-. Applicants note that A, B, D, E, and T, as currently presented, already form an aromatic ring as shown by the double bonds in the ring structure. This structural notation conforms to standard chemical practice to indicate an aromatic ring.

Claims 1-13, 17, 18 and 21 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The rejection is traversed:

A. The phrase "R<sub>1</sub> und R<sub>2</sub>" have been amended to read "R<sub>1</sub> and R<sub>2</sub>".

B. "Characterized" has not been replaced with "wherein" as suggested by the Examiner. To make this replacement would make the statement illogical i.e. the Examiner suggests that the phrase: "the bonds *characterised* by a wavy line are double bonds" be replaced by "the bonds *wherein* by a wavy line are double bonds". For the Examiner's clarification, the claims have been amended to replace "characterized" with "represented" so the claim now reads: "the bonds *represented* by a wavy line are double bonds"

C. Applicants find no "th" term in Claim 4.

D. Applicants find no "methylen" term in Claim 11, page 84. Further applicants note that "page 84" refers to the page numbering of the claims as originally filed, however a Preliminary Amendment was filed January 27, 2004 which includes an amendment to Claim 11.

E. Claim 12 is rejected for multiple dependencies. Again applicants direct the Examiner to the Preliminary Amendment filed January 27, 2004.

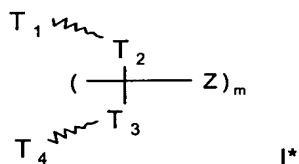
F. Claims 13 and 16 have been rejected in the recitation of "and". However applicants submit that these claims are written in proper Markush style and recitation of "and" is correct. See Landis on Mechanics of Claim Drafting, Section 54.

G. Claim 17 has been amended to recite a method claim, while claim 1 is a compound claim.

H. Claim 18 is rejected for multiple dependencies. Again applicants direct the Examiner to the Preliminary Amendment filed January 27, 2004.

I. Claim 21 has been amended to remove the terms "for example" and "preferably".

Claims 1, 2 and 17 have been rejected under 35 U.S.C. § 101(b) as anticipated by Kowalski, reference U. The rejection is respectfully traversed. Applicants direct the Examiner's attention to the definition of  $R_2$  and  $R_3$  which are either each lower alkyl or b) together form a bridge of the part formula I\*,



None of the compounds in Kowalski disclose a lower alkyl on the aryl ring, or show a fused ring type structure formed by I\*. Examples of such compounds with a fused ring are shown in the specification at pages 56, 58, 63, 64, 68, 69 and 72.

In order to anticipate the reference must disclose every limitation of the claimed invention. Kowalski does not disclose variables  $R_2$  and  $R_3$  and therefore it cannot anticipate the present claims and the rejection should be withdrawn.

Claims 1-18 and 21 have been rejected on the grounds of non-obvious-type double patenting as unpatentable over 6,706,731. Upon allowance of the present claims, applicants will submit a Terminal Disclaimer over the claims of the '731 patent.

In view of the foregoing remarks and amendments, the present claims are in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

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